

[counsel listed on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

CASE NO. CV 10-03561 WHA

**STIPULATION AND ~~PROPOSED~~
ORDER RE CASE MANAGEMENT
AND PHASE 3 ISSUES**

Dept.: Courtroom 8, 19th Floor
Judge: Honorable William Alsup

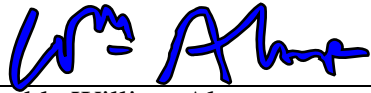
To simplify the proceedings in this matter, the parties hereby stipulate and agree to the following:

Subject to Court approval, the issue of willfulness with respect to patent infringement will be submitted to the jury in Phase 2 of this trial. Should Oracle introduce additional evidence relating to willfulness, Google will have the right to introduce additional responsive evidence. Both shall be subject to the time limits previously set for Phase 2.

~~PROPOSED~~ ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

Date: May 14, 2012.



Honorable William Alsup
Judge of the United States District Court

Dated: May 13, 2012

KEKER & VAN NEST LLP

By: /s/ Robert A. Van Nest

KEKER & VAN NEST LLP
ROBERT A. VAN NEST (SBN 84065)
rvannest@kvn.com
CHRISTA M. ANDERSON (SBN 184325)
canderson@kvn.com
DANIEL PURCELL (SBN 191424)
dpurcell@kvn.com
633 Battery Street
San Francisco, CA 94111-1704
Telephone: (415) 391-5400
Facsimile: (415) 397-7188

KING & SPALDING LLP
SCOTT T. WEINGAERTNER (Pro Hac Vice)
sweingaertner@kslaw.com
ROBERT F. PERRY
rperry@kslaw.com
BRUCE W. BABER (Pro Hac Vice)
bbaber@kslaw.com
1185 Avenue of the Americas
New York, NY 10036-4003
Telephone: (212) 556-2100
Facsimile: (212) 556-2222

KING & SPALDING LLP
DONALD F. ZIMMER, JR. (SBN 112279)
fzimmer@kslaw.com
CHERYL A. SABNIS (SBN 224323)
csabnis@kslaw.com
101 Second Street - Suite 2300
San Francisco, CA 94105
Telephone: (415) 318-1200
Facsimile: (415) 318-1300

GREENBERG TRAURIG, LLP
IAN C. BALLON (SBN 141819)
ballon@gtlaw.com
HEATHER MEEKER (SBN 172148)
meekerh@gtlaw.com
1900 University Avenue
East Palo Alto, CA 94303
Telephone: (650) 328-8500
Facsimile: (650) 328-8508

Attorneys for Defendant
GOOGLE INC.

Dated: May 13, 2012

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Michael A. Jacobs

DAVID BOIES (Admitted *Pro Hac Vice*)

dboies@bsfllp.com

333 Main Street

Armonk, NY 10504

Telephone: (914) 749-8200

Facsimile: (914) 749-8300

STEVEN C. HOLTZMAN (Bar No. 144177)

sholtzman@bsfllp.com

FRED NORTON (Bar No. 224725)

fnorton@bsfllp.com

1999 Harrison St., Suite 900

Oakland, CA 94612

Telephone: (510) 874-1000

Facsimile: (510) 874-1460

ALANNA RUTHERFORD (Admitted *Pro Hac Vice*)

575 Lexington Avenue, 7th Floor, New York, NY 10022

Telephone: (212) 446-2300

Facsimile: (212) 446-2350

MORRISON & FOERSTER LLP

MICHAEL A. JACOBS (Bar No. 111664)

mjacobs@mofo.com

MARC DAVID PETERS (Bar No. 211725)

mdpeters@mofo.com

DANIEL P. MUINO (Bar No. 209624)

dmuino@mofo.com

755 Page Mill Road

Palo Alto, CA 94304-1018

Telephone: (650) 813-5600

Facsimile: (650) 494-0792

ORACLE CORPORATION

DORIAN DALEY (Bar No. 129049)

dorian.daley@oracle.com

DEBORAH K. MILLER (Bar No. 95527)

deborah.miller@oracle.com

MATTHEW M. SARBORARIA (Bar No. 211600)

matthew.sarboraria@oracle.com

500 Oracle Parkway

Redwood City, CA 94065

Telephone: (650) 506-5200

Facsimile: (650) 506-7114

Attorneys for Plaintiff

ORACLE AMERICA, INC.

ATTESTATION

I, Robert A. Van Nest, am the ECF User whose ID and password are being used to file this STIPULATION RE CASE MANAGEMENT AND PHASE 3 ISSUES. In compliance with General Order 45, X.B., I hereby attest that Michael Jacobs has concurred in this filing.

Date: May 13, 2012

/s/ Robert A. Van Nest
ROBERT A. VAN NEST